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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,281	08/06/1999	KIA SILVERBROOK	169.0013-DI	6584

5514 7590 07/21/2004

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NEW YORK, NY 10112

EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 07/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/369,281

Applicant(s)

SILVERBROOK, KIA

Examiner

Phu K. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Phu K. Nguyen
PHU K. NGUYEN
PHOTOGRAPHY EXAMINER
GROUP 2400

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 84-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over NISHIKAWA et al. (5,129,011).

As per claim 84, Nishikawa teaches the claimed "method of creating an image" (Nishikawa, column 5, lines 61-63) formed by a plurality of sections, the sections being formed independently of data included in the sections (Nishikawa, column 6, lines 6-11), each of the sections is stored as independently compressed pixel image data (Nishikawa, column 6, lines 32-41), each of the sections is configured for independent manipulation through at least decompression of said section (Nishikawa, column 6, lines 42-52). It is noted that Nishikawa does not explicitly teach the sections are in form of "bands" as claimed. However, Nishikawa's portions of image (column 6, lines 6-11) suggests that the portions have the form of bands because the band is a natural shape when combined forming an image used to be in rectangular form (Nishikawa, column 5, lines 67-68) and improves the efficiency of forming the displayed image.

Claim 85 adds into claim 84 the manipulation such as "rendering, composition, or editing the image" which Nishikawa teaches in the rendering of image (column 6, lines 48-52).

As per claim 86, Nishikawa teaches the claimed "method of creating an image formed as a plurality of sections" (Nishikawa, column 5, lines 61-63) comprising the step of storing each of the sections independently compressed pixel image data (Nishikawa, column 6, lines 32-41). It is noted that Ishida does not explicitly teach the sections are in form of "bands" as claimed. However, Nishikawa's portions of image (column 6, lines 6-11) suggests that the portions have the form of bands because the band is a natural shape when combined forming an image used to be in rectangular form (Nishikawa, column 5, lines 67-68) and improves the efficiency of forming the displayed image.

It is noted that Nishikawa does not explicitly teach "edit the image by effecting multiple passes over the bands whereby each band is configured for independent editing". However, Nishikawa's process of separate portions of an image suggests it would have been obvious to "edit the image by effecting multiple passes over the bands whereby each band is configured for independent editing" because Nishikawa (column 6, lines 48-52) retrieves and processes the data of each individual block independently with any operations such as rendering, composition, editing, ... to improve the speed of process through the use of only a portion of an image when only that portion needs to be processed.

Claim 87 adds into claim 86 "a compressed band" is formed for each band which Nishikawa teaches in column 6, lines 32-41.

Claim 88 adds into claim 86 "decompressing the compressed bands, editing it, compressed it again, and stored it" which Nishikawa does not explicitly teach. However, Nishikawa's compress/render/decode of separate portions of an image suggests it

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would have been obvious to decode and compress the bands again while editing image because Nishikawa retrieves and processes the data with any operations such as rendering, editing, ... between the compression/decompression processes to reduce the required memory to store the data and reduce the processing time for only process a portion of the edit image.

Claim 89 adds into claim 88 "decompressing, editing, and compressing" the band information on one band at a time which Nishikawa does not explicitly teach. However, Nishikawa's compress/render/decode of separate portions of an image (column 6, lines 32-60) suggests it would have been obvious to decode and compress the bands again while editing image because Nishikawa retrieves and processes the data of each individual block independently with any operations such as rendering, editing, ... between the compression/decompression processes to reduce the required memory to store the data and reduce the processing time for only process a portion of the edit image.

Claim 90 adds into claim 89 "storing step is performed on one band at a time" which Nishikawa teaches in column 6, lines 32-36.

THIS ACTION IS MADE NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 - 9796. The examiner can normally be reached on M-F 8:00-4:30.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
July 6, 2004

Phu K. Nguyen
PHU K. NGUYEN
ATTORNEY
JULY 6, 2004